

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-11 EUR-25 ADP-00 TRSE-00 CAB-09 CIAE-00

COME-00 DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 SSO-00

INRE-00 /068 R

DRAFTED BY EB/ OA/ AVP: DBORTMAN: EE

5/31/73 EXT 22439

APPROVED BY EB/ OA/ AVP: JASILBERSTEIN

CUSTOMS - MR. RAINS

EUR/ NE - MR. FLOYD (INFO)

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O P 311653 Z MAY 73

FM SECSTATE WASHDC

TO AMCONSUL HAMILTON IMMEDIATE

INFO AMEMBASSY OTTAWA PRIORITY

AMCONSUL NASSAU

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E. O. 11652: N/ A

TAGS: ETRN, BD, CA, BF

SUBJECT: CIVAIR: PRECLEARANCE

REF: HAMILTON 151

OTTAWA FOR STYLES

1. FOR OTTAWA (STYLES) AND NASSAU: YOU MAY INDICATE US WILLING TO MODIFY DRAFT PRECLEARANCE AGREEMENT AS DESCRIBED BELOW.

2. FOR HAMILTON: CG REQUESTED TRANSMIT FOLLOWING RESPONSE TO GOB REVISIONS OF DRAFT MEMORANDUM OF UNDERSTANDING TRANSMITTED REFTL (POUCHED GOB MEMO NOT YET RECEIVED).

3. US CAN ACCEPT 1(B): STRIKE EVERYTHING AFTER WORD " FACILITIES" AND INSERT " AS MUTUALLY AGREED UPON AND LIMITED OFFICIAL USE

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ANNEXED TO THIS MEMORANDUM" PROVIDED THAT INTRODUCTORY PARAGRAPH AFTER WORDS " SUBJECT TO" FOLLOWING IS ADDED:
" PROVISION OF FACILITIES ADEQUATE TO ENABLE US INSPECTION AGENCIES TO USE THEIR MANPOWER EFFICIENTLY AND TO INSURE PROPER SECURITY SAFEGUARDS FOR PASSENGERS, AIRCRAFT CREW, BAGGAGE AND AIRCRAFT STORES ENTERING THE US AND OTHER".

4. US CAN ACCEPT 1(C) AS PROPOSED BY GOB " PERMIT THE INSTALLATION AND OPERATION OF SUCH COMMUNICATIONS AND OTHER MODERN INSPECTION AIDS AS REQUIRED BY THE US GOVERNMENT". IT MUST BE UNDERSTOOD THAT TECS SYSTEM WILL BE REQUIRED.

5. US WOULD ALSO ACCEPT GOB WORDING OF PARA 1 ID) TO DELETE I AND II AND REPLACE WITH " ANYTHING THE POSSESSION OF WHICH IS PROHIBITED UNDER THE LAW OF BERMUDA"; AND ALSO REPLACE " THAT ARE PROHIBITED FROM ENTRY INTO THE US" WITH " THE POSSESSION OF WHICH IS PROHIBITED UNDER THE LAW OF BERMUDA". HOWEVER, WE WOULD FIRST REQUIRE ASSURANCES FROM THE GOB THAT ITS LAW PROHIBITS THE POSSESSION OF MERCHANDISE OR OTHER ARTICLES WHICH HAVE BEEN FALSELY DECLARED OR NOT DECLARED TO US AUTHORITIES IN AN EFFORT TO OBTAIN PRECLEARANCE.

6. IN DISCUSSING US PROPOSAL THAT GOB LAW SHOULD PROHIBIT FALSE DECLARATIONS TO US INSPECTORS CG MAY WISH TO POINT OUT THAT US HAS SOMEWHAT COMPARABLE PROVISION IN US CODE 18, SECTION 546, WHICH MAKES IT US OFFENSE UNDER CERTAIN CIRCUMSTANCES FOR PERSON TO SEEK TO SMUGGLE GOODS INTO FOREIGN COUNTRIES.

7. WE ALSO PROPOSE THAT BERMUDIAN LAW PROVIDE FOR SEIZURE OF FALSELY DECLARED OR UNDECLARED ARTICLES. THEN 1(E) COULD BE REVISED TO READ " IN ACCORDANCE WITH THE LAW OF BERMUDA SEIZE AND CONFISCATE ARTICLES OR MERCHANDISE IF THE ARTICLES OR MERCHANDISE ARE FALSELY DECLARED OR NOT DECLARED AT THE TIME OF PRECLEARANCE."

8. US ACCEPTS GOB PROPOSAL TO ADD IN 1(F) THE WORDS " US CITIZEN" BEFORE " EMPLOYEES" AND TO REFER SPECIFICALLY TO THE CONSULAR RELATIONS ACT OF THE GOB.
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9. INFORM DEPT SOONEST GOB REACTION TO ABOVE. RUSH

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*** Current Classification *** LIMITED OFFICIAL USE

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